IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

WP(C).No. 33282 of 2005(K)

PETITIONER:

A.N.GOVINDA KAMATH,
SON OF A.V.NARAYANA KAMATH,
"SATHYA GOVIND", T.D.ROAD, ERNAKULAM, KOCHI-35.

BY ADV. SRI.P.B.SAHASRANAMAN,
SRI.K.JAGADEESH,
SRI.T.S.HARIKUMAR.

RESPONDENT:

THE ASSISTANT EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY, WATER WORKS SUB-DIVISION,
PALLIMUKKU, KOCHI-682 016.

BY ADV. SRI.M. DINESH, SC, KWA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.33282/2005:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE JUDGMENT IN O.P. NO. 34867/2002, DTD. 22/11/2002 OF THIS HON'BLE COURT.

EXT.P.2: COPY OF THE REPRESENTATION FILED BY THIS PETITIONER BEFORE THE RESPONDENT, DTD. 6TH DECEMBER, 2002.

EXT.P.3: COPY OF THE REPRESENTATION MADE BY THIS PETITIONER TO THE RESPONDENT, DTD. 26/12/2002.

EXT.P.4: COPY OF THE BILL ISSUED IN RESPECT OF WATER CONNECTION CONSUMER NO. 40/2324, DTD. 07/11/2005.

EXT.P.5: COPY OF THE SIMILAR BILL ISSUED PERTAINING TO THE WATER CONNECTION CONSUMER NO. 40/2326, DTD. 07/11/2005.

RESPONDENT'S EXHIBIT:

EXT. R1.A: COPY OF THE ORDER DTD. 30/12/2002.

EXT. R1.B: COPY OF THE REVISED BILL WITH CORRECTIONS WAS ALSO ISSUED TO THE CONSUMER DTD. 22/06/2006.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P. (C). NO. 33282 OF 2005

Dated this the 19th day of July, 2007.

J U D G M E N T

Petitioner is aggrieved by Exhibits P4 and P5 bills. Learned Standing Counsel for the Kerala Water Authority submits that since the proceedings are issued by the Assistant Executive Engineer, the petitioner has an effective remedy of appeal before the Executive Engineer of the concerned Division and hence this Court need not go into the disputed questions of fact at this stage. Accordingly, this writ petition is disposed of as follows:

2. In the event of the petitioner filing an appeal before the Executive Engineer within a period of two months from today, the same shall be treated to have been filed in time. Thereafter, the appeal shall be considered by the said authority with notice to the petitioner and appropriate orders in accordance with law thereon shall be passed within another four months.

KURIAN JOSEPH, JUDGE.

smp